



ORIGINAL

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

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Case No. 2013-CP-10-3326  
Case No. 2014-CP-10-4335  
Appellate Case No. 2017-000542

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RECEIVED  
MAY 11 2018  
SC Court of Appeals

Waverly at Hamlin Plantation Townhome Association, Inc., **Respondent**,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., **Defendants**,

And

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes Inc., Builders Support Services of the Carolinas, Inc., **Third-Party Plaintiffs**,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource, Inc., a/k/a Builders FirstSource-Southeast Group, LLC, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc, Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanches Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, **Third-Party Defendants**,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the **Appellant**,

And Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., **Defendants**,

And

Jeffery Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Gritz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespeie, Jared D. Overcash, **Plaintiffs**,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by statutory merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc., Bar Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builder's FirstSource, Inc. a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medine a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez a/k/a Sachez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasque, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC, **Defendants**,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the **Appellant**,

And Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Gritz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David

McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespie, Jared D. Overcash, are the **Respondents**,

And George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., **Defendants**.

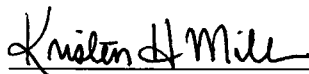
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**PROOF OF SERVICE**

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I, the undersigned employee of Howser Newman & Besley, LLC, hereby certify that pursuant to Rule 211(a), *SCACR*, I have via hand delivery this 10<sup>th</sup> day of May, 2018, served (1) the ***Final Brief of Appellant JWH*** and (2) the ***Final Reply Brief of Appellant JWH*** in this matter as indicated below:

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***Attorneys for Respondents***

  
Kristen H. Miller



**HOWSER, NEWMAN  
& BESLEY, LLC**

*Attorneys and Counselors at Law*

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May 10, 2018

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† Certified Circuit Court Arbitrator  
\* Also Admitted in North Carolina  
‡ Also Admitted in Maryland

**RECEIVED**  
MAY 11 2018  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RE:** *Waverly at Hamlin Plantation Townhome Association, Inc., Plaintiff, v. John Wieland Homes and Neighborhoods of the Carolinas, Inc., et al.*  
**Appellate Case No.: 2017-000542**

Dear Ms. Kitchings:

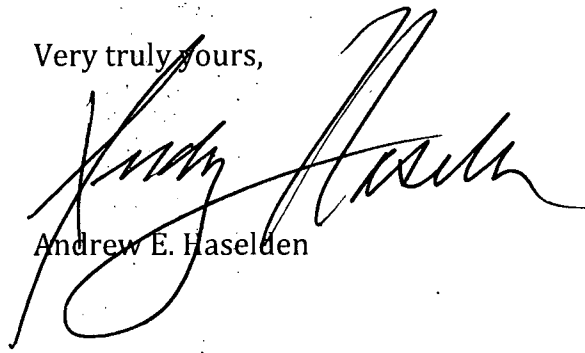
Accompanying this letter to be filed in the above-captioned matter are the following:

- an unbound copy and fifteen (15) bound copies of the **Record on Appeal**, Vol. 1-3, pursuant to Rules 210(b) & 267(d), *SCRAP*;
- an unbound copy and fifteen (15) bound copies of the **Final Brief of Appellant JWH** pursuant to Rules 210(a) & 267(d), *SCRAP*, with attached *Certificate of Compliance with Rule 211(b), SCRAP*;
- an unbound copy and fifteen (15) bound copies of the **Final Reply Brief of Appellant JWH** pursuant to Rules 210(a) & 267(d), *SCRAP*, with attached *Certificate of Compliance with Rule 211(b), SCRAP*; and
- the original **Proof of Service** with respect to the Final Briefs.

By copy of this letter, counsel for the Respondents is being served with a copy of each Final Brief pursuant to Rule 211(a), *SCRAP*.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions or concerns. With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew E. Haselden". The signature is fluid and cursive, with a large initial "A" and "H".

Andrew E. Haselden

AEH/khm

cc: John W. Hayes, Esq.  
Keith McCarty, Esq. *(via electronic mail only)*  
Jesse Sanchez, Esq. *(via electronic mail only)*